

## **Community Based Housing Frequently Asked Questions**

### **Who is eligible for CBH?**

Eligible applicants to CBH units are households in which a family member:

- has a physical or mental impairment that is of a permanent or long and continued duration and that substantially limits one or more major life activities. Major life activities include: self care, learning, receptive and expressive language, mobility, cognitive functioning, emotional adjustment and economic self-sufficiency; and
- is institutionalized or is at risk of institutionalization in a nursing facility, hospital, or long term rehabilitation.

### **How do I document that an applicant is eligible?**

An applicant for community based housing will provide to the housing manager a certificate from the Massachusetts Rehabilitation Commission (MRC) or its designee(s) which reliably establishes the applicant's eligibility as set out above. The certification form that MRC or its designee (s) will use is attached. The housing manager should provide a blank form to any potentially eligible applicant along with the contact list for MRC and other designees. The contact list is updated regularly; to receive the most updated list, see DHCD or MRC's web site at:

<http://mass.gov/dhcd/components/housdev/want/CBH.htm>

or

<http://www.mass.gov/?pageID=eohhs2subtopic&L=4&L0=Home&L1=Consumer&L2=Disability+Services&L3=Housing&sid=Eeohhs2>

### **What are some examples of people who are eligible?**

- Henry has a medical disability of long-standing duration. As he has gotten older, his disability has become more complex. He now must go to the hospital or a clinic 3 times per week for blood work. Without this blood work and subsequent medication changes, he risks significant health problems. Henry lives in a rural area, 25 miles from a clinic, with limited public transportation and cannot easily get to clinic for this necessary blood work. Henry is likely to be found eligible because he has a disability and is at risk living where he lives now. A unit in a less rural area where he can more easily meet his medical needs would remove this risk for him.
- Jerome is 75. He has lived in the same unit in Somerville for 35 years. It is a third floor unit of a three-decker with no elevator. In addition to having some difficulty walking because of arthritis, he has become legally blind in the last year. His physician indicates that the combination of a potential fall on the stairs as well as increasing difficulty maintaining proper nutrition and personal care because of his

new blindness puts him at risk. He is likely to be certified for the CBH Program because he has an eligible disability and is at risk of institutionalization. A unit with no stairs or an elevator in combination with a referral to appropriate community-based services by his physician will help ensure he can stay in the community.

- Samantha is 7 years old, has a disability and has been living in a pediatric nursing home for the last 2 years because her medical condition was unstable. In addition her family lives in an inaccessible rental unit and she was starting to use a wheelchair. Now her medical condition is stable enough to be treated with community-based services such as Visiting Nurses and home health aides. Samantha and her family are likely to be eligible for CBH because she is currently in an institution and has a disability.
- Chris was referred to the program by Health Care for the Homeless. Chris has been homeless off and on for several years. HCFH determined that he has a brain injury and as a result has difficulty following through on tasks such as housing search. He is currently in a skilled nursing facility but is due to be released soon. HCFH has referred Chris to an agency that specializing in providing case management for persons with brain injuries. They will assist him in finding, moving into and maintaining housing. Chris is likely to be eligible for CBH because he is in an institutional setting and has a disability.

**If an applicant is living in an institution or at risk of institutionalization and our development is not an assisted living facility and does not provide on-site services, won't this person be *more* at risk living in the community?**

Most people with disabilities can live safely and independently in the community using community-based supports. These might include: case management, day programs, personal care assistance, home health aides, home care, drop in centers, support groups, counseling and other community-based services.

The fact that someone was living in an institution or is at risk doesn't inherently mean they NEED to be in an institution. Most of the time it means that the individual did not have the package of community-based (affordable and/or accessible) housing, services and other supports necessary for them to live safely and independently in the community.

Applicants to units funded with CBH will have put together or be in the process of putting together a package of services that is appropriate to them. Some individuals will require a limited number of services (just personal care assistance, for example) while others will require a broader range of services to meet their needs and preferences such as day programs, support groups, meals-on-wheels and other community-based services.

The provision of affordable - and in many cases accessible - housing in the community in a location that has access to public transportation and community-based services is a key component to ensuring the applicant can live safely and independently in the community.

**Do I have to lease-up to any person eligible for CBH?**

No. In addition to being eligible for CBH, housing managers may screen applicants in the same manner in which they screen applicants for their other units. Housing managers must:

- Maintain a waiting list (if there are applicants for such a list) and offer a unit to eligible individuals in their correct order on the waiting list; and
- Provide a process for appeal for applicants who are found unqualified; and
- Offer reasonable accommodations to persons with disabilities.

**Some of the examples above are of people with physical disabilities who may require accessible units. Do all units funded with CBH have to be wheelchair accessible?**

No. The definition of disability provided above is very broad and includes people with visual, hearing, cognitive and psychiatric disabilities as well as people with physical disabilities who do and do not use wheelchairs. Because many people currently in institutions and at risk of institutionalization do use wheelchairs, CBH will be used to fund many accessible units. CBH will also be used to fund units that are not accessible. Further, as described below, once CBH is part of a development's financing, it can "float" between different units and different types of units as long as the tenant is eligible.

As indicated in the CBH Guidelines, the Commonwealth seeks to promote maximum universal design and visitability in CBH projects to better ensure that people with a range of disabilities have access to integrated housing and that they will be able to age in place. Units that incorporate universal design concepts will be able to be leased to persons with and without physical disabilities.

**Some of our existing developments have accessible units. They have been built to code yet we sometimes have difficulty leasing them up because potential tenants can't use the unit as designed.**

In some cases, existing accessible units have been difficult to lease up because of their location (e.g. no public transportation) or cost. People with disabilities who receive SSI have incomes that are approximately 18% of median income, making it difficult for these individuals to lease units without rental assistance. The vast majority of CBH-funded units are expected to have project-based assistance.

MRC, the lead state human services agency for CBH, has extensive experience with housing access and design. As part of the program, MRC is developing materials to assist developers in ensuring their units are most useable and marketable. MRC will also make itself available as needed to provide technical assistance on accessibility.

**If we are doing rehabilitation of a property or purchase of an existing property, do we have to include accessible unit?**

Any development project must comply with relevant state and federal access rules. Which rules apply will depend on the type and amount of rehabilitation and/or new construction as well as the requirements of specific funding sources. DHCD has conducted access compliance training for architects and developers. MRC is in the process of developing a chart comparing access requirements and will make this available on DHCD's web-site under the CBH program as soon as it is final.

Access information is available through DHCD's design review architects as well as MRC. It is recommended that developer meet with DHCD and/or MRC if there are any questions or concerns regarding accessibility.

**What do I do if a CBH tenant develops a tenancy-related problem?**

Generally, CBH tenants will have the same lease agreements tenants in the other units in the development. The lease agreement will outline the steps the housing manager will take if lease violation issues arise. These might include initial verbal warnings followed up by a written warning and formal conference.

In many cases, the tenant will have a case manager or family member who the tenant has identified as the emergency contact person. The Housing Manager should contact this person if permission has been provided or the issue is of an emergency nature. The Housing Manager may also want to contact the individual who initially certified the tenant for CBH. If no contact person is identified, the Housing Manager should contact MRC. MRC will identify an appropriate agency/person to assist the tenant and/or housing manager.

**What do I do if a tenant needs services – either I think they do or they ask me for assistance identifying services?**

In many cases, the tenant will have a case manager or family member who the tenant has identified as the emergency contact person. The Housing Manager should contact this person if permission has been provided. The Housing Manager may also want to contact the individual who initially certified the tenant for CBH. If no contact person is identified, the Housing Manager should contact MRC. If the tenant themselves has requested services, MRC will identify an appropriate agency/person to assist the tenant and/or housing manager. If the housing manager believes the tenant needs assistance but the tenant has not requested services, MRC will provide the manager with appropriate consultation and direction.

**These tenants sound like they are very-low-income and would need units affordable to individuals at 30% of median income or below? How should I set my rents to make them affordable to CBH residents?**

Yes. It is expected that most eligible applicants will rely on SSI or SSDI for income, making their incomes below 30% of median income; in many cases, SSI is less than 15% of area median income. CBH will generally be invested in units that have some type of project-based assistance such as Project-Based Section 8, HUD Annual Contributions Contract, Project Based Mass Rental Voucher or an internal subsidy.

MRC will work with developers to ensure as seamless a tenant selection process as possible. For example, the program has available model language that can be used with a Housing Authority's Section 8 Administrative Plan to project-base Section 8 in CBH units.

**How do I conduct outreach to identify eligible applicants? Where can I get referrals?**

Once a project is ready for occupancy, the MA Department of Housing and Community Development (DHCD) and/or the housing manager will notify MRC. MRC in turn will notify the other state human services agencies. These agencies will notify their provider agencies and staff in the community in which the development is located and in surrounding areas. These agencies will have their case managers, families, advocates and others make referrals to the units.

Wheelchair accessible units will also be listed with the Massachusetts Accessible Housing Registry at [www.massaccesshousingregistry.org](http://www.massaccesshousingregistry.org).

**What happens if a unit turns over and I cannot identify another eligible applicant within a reasonable period of time?**

If no eligible and qualified applicants can be identified for a unit after 30 days, the development may begin to conduct outreach to persons who have disabilities but who do not meet other parts of the eligibility definition (e.g. is not at risk or living in an institution). The development may lease to individuals in this category after 60 days. Significant attempts will be made to lease accessible units to those persons requiring the design features.

Note that CBH may "float" to another appropriate unit when an CBH-eligible household is identified or to another unit in the development already occupied by a CBH-eligible household.

**Massachusetts Rehabilitation Commission Certificate**  
**On**  
**Application for Community-Based Housing Program**

The Community Based Housing Program (CBH) provides affordable housing for individuals with disabilities who are living in institutions and seek an alternative in the community or those who are at risk of institutionalization. The CBH Program seeks to ensure that, through the availability of CBH, individuals with disabilities will be able to live as independently as they are able, in their own homes. This will certify that the applicant to CBH meets these qualifications.

Applicant's Name: \_\_\_\_\_

( ) Applicant has a disability defined as: An individual who has a physical or mental impairment that is of a permanent or long and continued duration and that substantially limits one or more major life activities. Major life activities include: self care, learning, receptive and expressive language, mobility, cognitive functioning, emotional adjustment and economic self-sufficiency. A determination that a person has such functional limitations can be made with written verification from a professional with appropriate expertise or by verifying the individual is a recipient of SSI or SSDI.

( ) Applicant is not currently a client of DMH or DMR who is eligible for the Facilities Consolidation Fund.

Explanation \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

( ) Applicant is institutionalized or at risk of institutionalization in a nursing facility, long term rehabilitation center or hospital

Explanation (please state if the individual is currently institutionalized) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the foregoing information is true and accurate to the best of my knowledge.

\_\_\_\_\_  
(Signature of person certifying)  
(Name, address, phone)  
(Date)

**SAMPLE**  
**Community Based Housing Program Certification Designees**

The following individuals/agencies are designated by the Massachusetts Rehabilitation Commission to certify that an individual is eligible for the Community Based Housing Program:

<b>Certifying Agency</b>	<b>Contact/Comments</b>
Massachusetts Rehabilitation Commission, Independent Living Division	Karen Langley (617) 204-3623
<i>e.g. ILC</i>	
<i>e.g. ASAP</i>	

In addition, a professional qualified to make this determination may be a licensed medical, psychological or allied mental health and human services professional who has professional knowledge of the individual.